

An Examination

IN THE

SOLEMNCY

LEAGUE

AND

COVENANT.

As concerne the LAWS

Proving it to be destructive of the LAWS  
of ENGLAND both ancient and  
modern.



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A Short History of the

ROMAN

LEAGUE

AND

COVENANT

As connected the Law:

Proving it to be definitive of the Law  
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modern.



OXFORD.

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A Learned Examination of the Solemn  
League and Covenant, how destructive

it is to the LAWS of

ENGLAND.

**B**Y the ancient common Lawes of this Realm,  
by the Resolutions & Judgements and Sages  
of the Lawes of England in all succession of  
Ages, and by Authority of many Acts of  
Parliament, ancient and of latter Times, (the  
very words and Texts whereof are here cited) and for the  
Reasons hereafter mentioned, it will manifestly appeare  
out of plaine and knowne Grounds, that the late League  
and Covenant (intituled, *A solemn League and Covenant  
for Reformation and Defense of Religion, the Honour and  
Happinesse of the King, and the Peace and Safety of these three  
Kingdomes of England, Scotland, and Ireland*) is an illegall  
and detestable Combination and Association wickedly  
contrived against the King, his Monarchy, Crown,  
and Dignity, and against his Royall Power and Jurisdiction  
on Ecclesiasticall and Temporall and that the same is  
contrary to the Lawes and Statutes of the Realm, and  
destructive to the Peace and common Interest of the King-  
domes.







pine and spoile was, and yet is administered, adjudged and executed by sundry Iudges and Ministers of the other part of the said body politike, called the Temporality. And both their Authority and Jurisdiction doe conjoyne together in the due administration of Justice, the one to helpe the other. And further enacteth, that all causes Testamentary, causes of Matrimony and divorces, tythes, oblations, and obventions, (the knowledge whereof by the goodnesse of Princes of this Realme, and by the Lawes and customes of the same appertaineth to the spirituall Jurisdiction of this Realme) whether they concerne the King or any of His Subjects, shall be heard, examined, and discussed clearly, finally and definitely adjudged and determined within the Kings Jurisdiction and Authority and not elsewhere; in such Courts Spirituall and Temporall, as the statutes, condition and qualiter of the cases and matters aforesaid in contention or otherwise happening in contention should require.

*5. Rep. fol. 28. Cambridge case.* That this Statute of 24. H. 8. cap. 12. is declaratory of the ancient Lawes of England.

25. H. 8. cap. 20. Upon every avoidance of any Arch-Bishoprick or Bishoprick within this Realme or any other the Kings Dominions, the King may grant to the Deane and Chapter of the Cathedral Churches where the See of such Arch-bishoprick shall happen to be void a licence under the great Seale to proceed to an election of an Arch-bishop or Bishop of the See so being voyd, with a Letter missive containing the name of the Person which they shall elect and chuse: by vertue of which licence the Deane and Chapter to whom any such licence and Letters missive shall be directed shall with all speed in due forme elect and chuse the said Person named in the said Letters missive to the Dignity and Office of the Arch-bishoprick and Bishoprick so being voyd, and none other. And that Statute further directeth the confirmation of the election and the consecration of Archbishops and Bishops. And although by the Statute of 31. Hen. 8. cap. 9. & 1. Ed. 6. cap. 1. Arch-bishopricks and Bishopricks were made donative by the Kings Letters Patents, yet both those Statutes are repealed, and the Statute of 27. J. 1. doth yet remaine in full force and effect. *17. J. 1. cap. 1. and 2. Hen. 8. cap. 5.* Enacted that the Kings of this Realme shall be

broken, altered, and repaired the said Supreme head & Head  
of the Church in England called *Anglicana Ecclesia*, and that they  
had enjoy annexed and united to the Imperiall Crowne of this  
Realme as well the title and stile thereof, as all Honours, Dignities,  
Prebeminences, Iurisdictiones, Priviledges, Authorities, Immuni-  
ties, Profits and Commodities, to the full Dignity of Supreme  
head of the Church belonging and appertaining, and that the Kings  
of this Realme shall have full power and authority from time to  
time to visit, repress, redresse, reforme, order, correct, redreame, and  
amend all such errors, heresies, schismes, offences, contumacies and con-  
trarieties whatsoever they be, which by any manner of spiritual authority  
and iurisdiction ought or may lawfully be reformed, re-  
pressed, ordered, redressed, corrected, restrained, or amended most  
to the pleasure of Almighty God, the increase of vertue in Christs  
Religion, and for the conservation of the Peace, Unity and Tran-  
quillity of this Realme, any usage, custome, Forreigne Lawes, For-  
reigne authority, prescription, or any thing or things to the con-  
trary hereof notwithstanding.

16. H. 8. cap. 7. Enacted that the King his Heires and Successors  
Kings of this Realme shall have and enjoy of every person which  
shall be nominated, elected, presented, presented, collated, or by  
any other means appointed to have any Arch-bishoprick, Bisho-  
prik, Colledge, Hospitall, Archidiaconry, Deanery, Provostship,  
Prebend, Parsonage, Vicarage, or other dignity, Benefice, office,  
or promotion spiritual within this Realme, or elsewhere within  
any of the Kings Dominions, the first Fruit, Reverend and profit  
for one yeare of every such Arch-bishoprick, Bishoprick, Colledge,  
Hospitall, Archidiaconry, Deanery, &c.

And it is further enacted by the said Statute, that the King his  
Heires and Successors Kings of this Realme, for more augmentation  
and maintenance of the Royal Honour of his Imperiall Crowne and  
Dignity of Supreme Head of the Church, shall yearly have, take,  
enjoy and receive annuall and due to his Imperiall Crowne for ever  
one yearly Rent or Pension amounting to the value of the tenth  
part of all the Rents, Rents, Tithes, Tithes, Tithes, Tithes, Tithes,  
Tithes, and all other Profits as well spiritual as temporall, apper-  
taining to any Arch-bishoprick, Bishoprick, Abbay, Monastery,  
Priory,

Privy, Archdeaconry, Deane, Hospitall, Colledge, House, Gold  
 Legate, Church, Cathedral Church, Collegiate Church, Conventu-  
 all Church, Parsonage, Vicaridge & Chantry, Free Chappell, or  
 other Benefice, or Promotion Spirituall, of what name, nature, or  
 quality soever they be, within any Diocese of this Realme, or in  
 Wales, and the Archbishops, and Bishops are charged and chargen-  
 able to levy, collect, and receive within their proper Diocesses the  
 said Tenth. And the said First Burs, and Tenth are again esta-  
 blished to the Crown by the Statute of 1. *Eliz. cap. 4.*

*Eliz. cap. 1.* It is enacted that such Jurisdictions, Priviledges,  
 Superiorities, and Preeminences Spirituall and Ecclesiasticall, as  
 by any Spirituall or Ecclesiasticall Power or Authority hath hereto-  
 fore been or may lawfully be exercised or used for the visitation of  
 the Ecclesiasticall State and Persons, and for reformation, order and  
 correction of the same, and of all manner of errors, Heresies,  
 Schismes, abuses, offences, contumacies, and enormities shall for-  
 ever by authority of that Parliament be united and annexed to the  
 Imperiall Crown of this Realme.

*Eliz. cap. 1.* Declareth that the late King *Henry the Eighth*, as  
 well by all the Clergy then of this Realme, in their several con-  
 vocations, and by all the Lords Spirituall and Temporall, and  
 Commons assembled in divers Parliaments, was justly & rightfully  
 recognized and knowledged to have the supreme power, juris-  
 diction, order, rule, and authority over all the Estate Ecclesiasticall  
 of the same, and the same power, jurisdiction, and authority did  
 use accordingly.

The Book of Articles of Religion which is confirmed by Par-  
 liament 13. *Eliz. cap. 12.* in the 37. Article acknowledgeth this  
 Ecclesiasticall and Temporall Jurisdiction.

*Eliz. cap. 1.* The Lords Spirituall and Temporall, and the Com-  
 mons in Parliament assembled, did in most humble and lowly  
 manner beseech the Kings most Excellent Majesty, (as memoriall  
 to all posterities amongst the Records of the high Court of Parlia-  
 ment for ever to endure of their loyalty, obedience, and hearty  
 humble affection) it may be published and declared in that high  
 Court of Parliament, and enacted by authority of the same, and it  
 was enacted that they (being bounden thereunto both by the Lawes

of God and man) do recognizance and acknowledge, (and thereby expresse their unspeakable joyes) that immediately upon the Dissolution and Decease of *Elizabeth* late Queen of *England*, The Imperiall Crown of the Realme of *England*, and of all the Kingdomes, Dominions, and Rights belonging to the same, did by inheret birth-right, and lawfull, and undoubted succession descend and come unto the said King *James*, as being lineally, justly, and lawfully next and sole Heire of the Blood Royall of this Realme; and thereunto they most humbly and faithfully do submit and oblige themselves, their heires, and posterities for ever, untill the last drop of their bloods be spent; and they beseech his Majesty to accept the same, as the first-fruits in that high Court of Parliament of their loyalty and faith to his Majesty and his Royall Progeny and posterity for ever; which if his Majesty shall be pleased (as an argument of his gracious acceptation) to adorne with his Majesties Royall assent (without which it can neither be compleat and perfect, nor remain to all posterity according to their most humble desire, as a memoriall of his princely and tender affection towards them) they shall adde this also to the rest of his Majesties unspeakable and inestimable benefits.

SECT. III.

THIS Ecclesiasticall Jurisdiction in Causes Ecclesiasticall hath been ever exercised by Archbishops, Bishops, and others having ordinary Jurisdiction; and by Chancellours, Commissaries, and other Ecclesiasticall Judges and Officers instituted under them, and not by any other. And they have their power and Jurisdiction by the Lawes, Customes, and Statutes of the Realme, and not derived from any other forreigne power; their Courts are called [*Courts Christian*], because the Lawes of Christ rules and directs them. *Dicitur Curia Christianitas, id est, Ecclesia, in qua servatur leges Christi, cum iamen in se ipso Regis serventur leges mundi.* There is a necessity of these Ecclesiasticall Courts and Jurisdiction, otherwise there will be a failer of Justice unto all the Kings subjects in great and important Causes Ecclesiasticall, which are exempted from the Common Law Jurisdiction of the Common Lawes; the determinations of Heresies, Schismes, and Errors in



Religion, the ordering, examination, admission, institution, and deprivation of the men of the Church, (which do concerne God's true Religion and service) the decision of right of Matrimony, Divorces and generall Bastardy (whereupon descends the strength of mens descents and inheritances), of probats, of Testimonies, and Letters of Administration, (without which no Debt or Duty to any Dead man can be recovered by the Common Law.) Mortuaries, Penfions, Procurations, reparations of Churches, Simony, Incest, Adultery, Fornication, and Incontinency, subtraction and right of Tythes, Oblations, Obventions, Dilapidations, Appeals in Ecclesiasticall matters, and other Spirituall and Ecclesiasticall Causes, (the causes whereof belong not to the Common Lawes of England) the same are to be determined and decided by Ecclesiasticall Judges, according to the Kings Ecclesiasticall Lawes; if any Heresie arise in the Church they may be reformed by a Convocation of the Clergie, who are to be assembled by the Kings Writ, and to have the Kings assent.

For proofe of the Jurisdiction of the Ecclesiasticall Courts, and that these causes do properly belong unto them, see the Statute of *Circumspelle agatis* 13. Ed. 1. *Coke's Com.* upon the Statute of *Circumspelle agatis*, fol. 488, 489, 490, 491, 492, 493.

*Stat. Artic. Cler. 9. E. 3.*

*Co. Com.* upon the Statute of *Articuli Cleri* fol. 599, 600, 601, 602, 603, 604, 605, 606, &c.

*Stat. 3. Ed. 3. Touching Administrations*

*Stat. 3. Ed. 3. For punishment of incontinency in Priests and Clerges*

*Stat. 3. Ed. 3. Touching Citations*

*Stat. 3. Ed. 3. Before expressed Touching Ecclesiasticall and Temporall Jurisdiction*

*Stat. 3. Ed. 3. Ordinaries shall enquire of the states and government of Hospitalls, other than such as be of the King's foundation, and thereupon make reformation according to the Lawes of the holy Church*

*Stat. 3. Ed. 3. The Arch-bishop of Canterbury may upon cause grant Dispensations, Licences, &c. to the King and his Subj.*



1. *E. 6. c. 2.* Touching Proceffe in Ecclesiasticall Courts, and Certificates from thence into the Kings Courts.

2. *E. 6. c. 13.* Concerning Tithes.

1. *Eliz. c. 11.* Touching the Ecclesiasticall Jurisdiction of the Crown.

3. *Eliz. c. 23.* In what Cases a man may be excommunicated.

13. *Eliz. c. 10.* Concerning fraudulent Deeds made by Spirituall Persons to defeat their Successours of remedies for Dilapidations.

39. *E. 3. 10. 39.* *Ass. 11. 8. 28. Ed. 3. 6. 40.* *Ass. 17.*

201. *H. 4. 81. 88.*

210. *H. 6. 61.*

23. *E. 4. 10. conf. 10.*

1. *Finch. n. br. fol. 51. 52. 53.*

12. *H. 7. 24.*

38. *H. 6. 19. br. conf. 11.*

1. *Can. rep. fol. 20. 21. 22. in Cambrian case, fol. 67. 10. 3. 11.*

1. *Kennels case, fol. 44.*

126. *Eliz. Dier. 327.* In a *Dumfries* against the Arch-bishop

of York, if they be at issue upon the inability of the Clerk, it

shall be tried by the Arch-bishop of *Canterbury*.

1. *rep. fol. 51.* *Hall's case* all proceedings in the Ecclesiasticall

Court *ex officio* are for the King, and the King may pardon them

where the suit is onely to correct and punish the party for the

delict.

11. *H. 4. fol. 64. 33. Ed. 3. Excom. 10. 44. E. 3. Excom. 13. 8. rep.*

*fol. 68.* *Treslop's case*, Arch-bishops and Bishops onely shall

certifie Excommunication under their Seales into the King's

Courts, but in the time of Vacation Guardians of the Spiritu-

alities may do it.

16. *H. 3. Prohibit. 18.* 18. *E. 3. Prohibit. 27.* *Saines* for *Saines* in

the Ecclesiasticall Courts.

1. *Finch. n. br. 269 d. 25. H. 8. c. 19. 5. rep. fol. 23. 23.* In *Cambrian*

case, touching the Convocation.

1. *Finch. n. br. 269 d. 25. H. 8. c. 19. 5. rep. fol. 23. 23.*

1. *Finch. n. br. 269 d. 25. H. 8. c. 19. 5. rep. fol. 23. 23.*

## Sect. III.

**I**N many cases the Ecclesiasticall and Temporall Courts have that intimate and necessary relation one to the other, that the one without the other cannot deliver Iustice to the Kings Subjects, nor determine Causes, as if any issue be joyned in the Temporall Courts upon the loyalty of Marriage, or upon general Bastardy, or upon Divorces plenary, or such like, the King did ever write to the Bishop of that Diocese, as immediate Officer and Minister to his Court, to certifye the loyalty of Marriage, generall Bastardy, Divorces plenary, or such like, and the Certificate of the Bishop is therein a good triall. In an Action against a Clerke, where it appears that the Defendant, *Clericum est beneficiatum non habens Licentiam feudum, venire facias Clericum*, shall be awarded to the Bishop who shall compell the Clerke by sequestrations, suspensions, and otherwise to appeare in the King's Courts, and to be answerable to Iustice. If a man recover his presentation in a *Quare impedit*, he shall have a Writ to the Bishop to admit his Clerke. In an Action brought in the King's Temporall Courts, if the Defendant plead in disability of the Plaintiffe, that he is excommunicated, he must shew the Letters of the Bishop testifying the Excommunication; for none can certifye an Excommunication, but onely the Bishop, being that high ordinary Jurisdiction, and is immediate Officer to the Kings Courts.

That the Ecclesiasticall and Temporall Courts have so necessary & dependently upon the other in the administration of Iustice, that in many cases Iustice cannot be done unto the Subjects without the aide of both Courts in their severall Jurisdiction.

38.E.3. fol. 11. 89. a. 8. 45.E.3. fol. 6. 11.H.4. fol. 81.  
 12.H.6. fol. 11. 17.H.6. fol. 17. 18.H.6. fol. 17. 19.H.6. fol. 17.

24.H.6. fol. 11. 25.H.6. fol. 11. 26.H.6. fol. 11. 27.H.6. fol. 11.

24.H.8. 12. That the Authorities and Jurisdiction of the Ecclesiasticall and Temporall Courts do conjoyne together in the due administration of Iustice, the one to helpe the other.

13.Rep. 116. *De iure Ecclesiastico*, that the Ecclesiasticall and Temporall



whole whereof these ensuing Statutes And authorities, will make  
 manifest.

17. E. 3. Fel. 40. 20. E. 3. Fel. 1.

23. E. 3. de provisionibus monachorum c. 3. 3. c. 3. 3. c. 3.

3. Rep. Fel. 75. In the case of the Deane and Chapter of Nor-  
 wich.

20. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

25. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

26. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

27. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

28. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

29. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

30. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

31. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

32. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

33. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

34. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

35. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

36. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

37. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

38. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

39. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

40. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

41. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

42. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

43. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

44. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

45. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

46. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

47. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

48. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

49. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

50. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

51. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

52. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

53. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

54. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

55. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

56. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

57. E. 3. Stat. in Law. Fel. 22. 22. E. 3. 23. E. 3. 24. E. 3.

In the Statute called *Confirmations Chartarum* made in the said  
 25. *Ed. 1. cap. 1. & 2.* (which though it be penned as a Charter,  
 yet it is an Act of Parliament,) and it is thereby granted that to  
 the honour of God and holy Church, and to the profit of the  
 Realme, that the Charter of Liberties, and the Charter of the  
 Forrest, which were made by common consent of all the Realme  
 in the time of King Henry, Father of *Ed. 1.* shall be kept in eve-  
 ry point without breach, and Judgements given contrary to the  
 points of the Charters shall be undone and holden for nought,  
 9. *Ed. 2. cap. 13.* Of the ability of a Parson presented unto a bene-  
 fice of the Church, the examination belongeth to a spirituall  
 judge, and so it hath been used heretofore, and shall be here-  
 after.

A Statute for the Clergy made in the 14. yeare of *Ed. 3. cap. 9.* de-  
 clares in the preamble of the Statute according to *Magna Char-*  
 14. *te*, that the Church of *England* be free, and have all her Rights  
 intirely, and Franchises not blemished, and *cap. 2.* provides that  
 the King shall not take into his hands the Temporalties of Arch-  
 bishops and Bishops or other people of the holy Church of what  
 estate or condition they be, without true and just cause according  
 to the Law of the Land, and judgement thereupon given.  
 14. *Ed. 3. cap. 1. Stat. 1.* To the honour of God and the holy Church,  
 it is enacted, that holy Church have her Liberties in quietnesse  
 without interruption or disturbance, and the great Charter and  
 the Charter of the Forrest be holden in all points,  
 25. *Ed. 3. cap. 1.* Enacteth that all the Priviledges and Franchises  
 granted heretofore to the Clergy be confirmed and holden in all  
 points, *cap. 8.* the consents of the avoidance of Benefices  
 appertaineth to the Ecclesiasticall Judge.

The Statute of Provisoes of Benefices made 25. *Ed. 3.* declareth  
 that the holy Church of *England* was founded in the State of  
 Prelacy within the Realme of *England* to informe the people of  
 the Law of God, and to make Hospitals, Almes and other  
 workes of charity, &c. And to the honour of God, and profit of  
 the Church of *England*, and of all the Realme, hath Ordered and  
 Established, that the free Elections of Arch-bishops, Bishops,  
 and all other Dignities and Benefices elective in *England* shall  
 hold



hold from henceforth in the manner as they were Granted, by the Kings Progenitors and the Ancestors of other Lords, Founders of the said Dignities and other Benefices; And that all Prelates, and other people of holy Church, which have advowsons of any Benefices of the Kings Guilt, or of any of His Progenitors, or of other Lords and Donors to doe divine services, and other charges thereto ordained, shall have their collations and presentments freely to the same in the manner as they were enfeoffed by their Donors.

*Registr. & Fitch. m. br. fol. 173. 174. Arical. Cler. 9. E. 2. (De Cons. upon Magna Charta, and other Statutes, fol. 34. 29. 21. & 67. touching the Priviledges and Exemptions of Ecclesiasticall Persons.*

These things being premised and proved, viz.

1. That the Kingdome of England is an absolute Monarchy, and that the King is the only Supream Government as well over Ecclesiasticall Persons, and in Ecclesiasticall Causes, as Temporall within this Realme.

2. And that this Ecclesiasticall Jurisdiction in causes Ecclesiasticall hath been alwayes exercised by Archbishops and Bishops and others, having ordinary Jurisdiction, and by Chancellors, Commissioners, and by other Ecclesiasticall Judges and Officers substituted under them, &c.

3. These wicked Covenanters (who in the third Article professe their Loyalty, and that they have no thoughts or intentions to diminish His Majesties just Power and Greatness) doe by the second Article (wherein they sweare that without respect of Persons they will endeavour the extirpation of Prelacy, that is, Church Government by Archbishops, Bishops, their Chancellors, and Commissioners, Deanes, Deanes and Chapters, Archdeacons, and other Ecclesiasticall Officers depending of that Hierarchy) absolutely Sweare and Covenant to take away from the said His Ecclesiasticall Power and Jurisdiction, which is exercised under His Majesty onely by Archbishops, Bishops, Chancellors, Commissioners, and other Ecclesiasticall Judges and Officers.

4. They Sweare and Covenant to extirpate and take away from all



all the Kings Subjects the publique Justice of the Kingdome in all the before mentioned great and important Ecclesiasticall, wherein Justice cannot be administered unto the King People according to the established Lawes and Statutes of this Kingdome, but onely by the said Archbishops, Bishops, Chancellours, Commissaries, and other Ecclesiasticall Judges and Officers.

3. That the Ecclesiasticall and Temporall Courts have so necess-  
sary a dependance one upon the other in the administration of Justice, that in many cases Justice cannot be done, nor causes be determined in the Kings Temporall Courts without the ayde of the Ecclesiasticall Courts.

1. These zealous Covenanters sweare and conspire together to take away the Kings Temporall Power and Jurisdiction in all these causes commenced and prosecuted in the Kings Temporall Courts, wherein issue shall be joyned, which also be tried in the Ecclesiasticall Courts, and wherein there can be no Judgement or other determination without such trials.

2. They combine together to deprive the Kings Subjects of their just remedies and legall determinations of their lawfull actions begun and prosecuted, and to be begun and prosecuted in the Kings Temporall Courts, wherein any recourse is to be had for trials in the Ecclesiasticall Courts.

4. That the King is Founteyne and Patron of all Arch-Bishopricks, and Bishopricks, and that the Prelacy and Ecclesiasticall Hierarchy of the Church of England hath had his continuance by the Kings good and licence; And that their Function, Possessions, Rights, Liberties, Exemptions, and Franchises, have been established and ratified by the Lawes of the Land, and by severall Acts of Parliament still in force.

1. These Covenanters have taken an Oath and Vow to extirpate Prelacy and Church-Government by Arch-Bishops, Bishops, their Chancellours and Commissaries, Deanes, Deanes and Chapters, Arch-Deanes, and other Ecclesiasticall Officers depending on that Hierarchy, which Oath and Covenant is directly against the said Lawes and Statutes before mentioned, which are still in force.

2. They would also thereby take away all their Possessions and

Inheritances which were given *Deo et Ecclesie*, they would frustrate the pious intents of the Founders, and Donors; they would sacrilegiously disinherit the Church and Church-men of their Rights, Liberties, Exemptions, and Franchises so often conferred unto them, and so at once would make *Episcopos & Episcopatus, Parochos & Parochias, etc.* *Desertum & Desertum*. They endeavour also to rob the King of His Rights of Patronage of Arch-Bishopricks, Bishopricks, Deaneries, &c. and of the profits and Revenues of the Temporalities in the times of Vacacion, and of His first Fruits and Tenths, which are due unto the King in the Right of His Crowne.

The Lawes and Statutes of this Realme have alwayes provided for the preservation of the publick Peace of the Kingdome, and have beene carefull to suppress all Insurrections, Riots, Routes, and unlawfull Assemblies, in disturbance thereof, or of the common Lawe, or Injurie of the People, and to the King it belongeth as a part of His Royall Signiory to prohibite all force of Armour, and all other force against the Peace at all times when it shall please the King, and so punish the offenders.

In the 7<sup>th</sup> year of *Edward the first*, the Prelates, Barons, and Commonalty, after a long advice taken, declared, and it was *Estatu*, that to the King it belongeth, and his part it is, by his Royall Signiory, mainly to defend (and so to prohibite) Force of Armour, and all other Force against the Peace at all times when it shall please the King, and to punish them which shall doe contrary according to the Lawes and Usages of the Realme, and hereunto they are bound to ayd the King as their Sovereigne Lord, at all seasons whensoever shall be.

Old *Magis Charissim*, 156. *Summa Capitula Libera*, one Article of the Enquiry before the Justices in Eyre was, *Et si qui Magistri & alij, sub precepto Ducum Regis, destruxerint aliquos ad arma sustinenda, & a quo suspensi, etiam non gaudent*. *2. Ric. 2. cap. 3.* That no man shall goe or ride Armed.

15. *Rich. 2. cap. 2.* Declareth against all those that make Insurrections, or great Ridings, Riots, Routes, or Assemblies in disturbance.

bance of the Peace, or of the common Law, or in array of the People.

These Covenanters in the sixth Article do profess that they will assist and defend in those that enter into this League and Covenant, in the maintaining and pursuing thereof; and that they will all the dayes of their lives zealously and constantly continue therein against all opposition, and promote the same according to their power against all lets and impediments whatsoever: now what they mean by assisting and defending their Covenanters, and maintaining and pursuing their Covenant against all opposition, and promoting the same according to their power against all lets and impediments whatsoever, they have explained themselves by their actions, in their raising of Forces, recruiting of several Armies, and in levying Warre against the King.

#### Section VI.

**T**HE Book of Common-Prayer, with the Order of Service, and of the Administration of Sacraments and Rites and Ceremonies of the Church of *England*, and the bookes of Articles of Religion which concerne the Confession of the true Christian Faith, and the Doctrine of the Sacraments, were ordained and established by severall Acts of Parliaments which are still in force, and therefore these Covenanters may not, against the Kings consent, combine together, and make Associations, and binde themselves by Oathes and Covenants to alter the established Lawes of the Kingdomes, under pretence of Reformation of Religion in Doctrine, Worship, Discipline, and Government, which are already settled.

2. & 3. *E. 6. c. 1.* The Book of Common-Prayer, and Administration of Sacraments, and other Rites and Ceremonies of the Church of *England*, was composed, set forth, and ordained: And it was enacted, that all Ministers in any Cathedral or Parish Church, or other place within *England* and *Wales*, be bounden to say and use the Morning and Evening Prayer, Celebration of the Lord's Supper, and Administration of each of the Sacraments, and all their common and open Prayers in such Order and Forme as is mentioned in the said Book,

and none other, or otherwise, and great penalties are inflicted upon the Offenders, and against such who shall preach, declare, or speak any thing in the derogation or depraving of the said Book; or any thing therein contained. And 1. E. 6. c. 1, was made against the unreverent speaking against the holy Sacrament of the Body and Blood of Christ, or against the receiving thereof in both kinds.

5. 6. E. 6. c. 1. Establisheth the Uniformity of Common-Prayer and Administration of the Sacraments, and ratifieth the said Statute of 1. E. 6.

1. Eliz. c. 1. Enacteth that the Book of Common-Prayer with the Order of Service, and of the Administration of Sacraments, Rites and Ceremonies, with the alterations and additions appointed by that Statute shall stand; and that all Ministers in all Churches and places within *England* or *Wales*, or other the Queenes Dominions, be bounden to say the Morning and Evening Prayer, and administer the Sacraments in such Order and Forme as is mentioned in the said Book. The Minister for the first offence shall forfeit a yeares value of all his Benefices and Spirituall Promotions, &c. And appointeth penalties against those who shall do any thing, or speak in derogation of the Book of Common-Prayer; and enacteth that all Lawes, Statutes, and Ordinances wherein or whereby any other service, Administration of Sacraments, or Common Prayer is limited, or let forth to be used within this Realme, or any other the Queenes Dominions or Countries, shall be utterly void and of none effect.

13. Eliz. c. 12. Enacts that every Priest or Minister of Gods holy Words and Sacraments shall assent and subscribe to all the Articles of Religion, which onely concerne the confession of the true Christian Faith, and the Doctrine of the Sacraments comprised in the Book of Articles agreed upon in the Convocation, *Anna Domini* 1562. and shall openly read the Articles and Testimoniall of the Bishop of such assent and subscription.

## SECT. VII.

**T**He Statute of the first Yeare of *Queen Elizabeth cap. 1.* ordaineth the Oath of Supremacy, and setteth downe the same in *hac verba, viz.*

*I A. B. do utterly testifie and declare in my conscience that the Queenes Highnesse is the onely Supreme Governour of this Realme, and of all other her Highnesse Dominions and Countries, as well in all Spirituall or Ecclesiasticall things or causes, as Temporall; and that no Forraigne Prince, Person, Prelate, State, or Potentate, hath or ought to have any jurisdiction, power, superiority, prebeminence, or authority Ecclesiasticall or Spirituall within this Realme; and therefore I do utterly renounce and forsake all Forreigne Jurisdictions, Powers, Superiorities, and Authorities, and do promise that from henceforth, I shall beare Faith and true Allegiance to the Queenes Highnesse, her Heires and lawfull Successours, and to my power shall assist and defend all Jurisdictions, Priviledges, Prebeminences, and Authorities granted, or belonging to the Queenes Highnesse, her Heires, and Successours, or united and annexed to the Imperiall Crowne of this Realme. So helpe me God, and by the Contents of this Book.*

*5. Eliz. c. 1.* Appointeth every Knight, Citizen, and Burgesse of the Parliament to take the said Oath, and he who shall enter into the Parliament House without taking the said Oath shall be deemed no Knight, Citizen, or Burgesse, nor shall have any Voice: and further enacteth that the Lord Chancellour or Keeper of the Great Seale of England for the time being, shall and may by virtue of this Act, without further Warrant, make Commissions under the Great Seale of England to any person or persons, giving them, or some of them power to tender and minister the Oath aforesaid to such persons as by the said Commission or Commissions the said Commissioners shall be authorized to tender the same Oath unto.

These Covenanteers who are Members of the House of Commons have taken the said Oath of Supremacy, and thereby have sworn;

That the King is the onely Supreme Governour of this Realme, and of all other his Dominions and Countries.



well in all Spirituall or Ecclesiasticall things or causes, as Temporall.

2. They promise to beare Faith and true Allegiance to the King, his Heires, and Successours, and that to their power they shall assist and defend all Iurisdiccions, Priviledges, Powers, Superiorities, and Authorities granted, or belonging to the King, his Heires, and Successours, or united and annexed to the Imperiall Crown of this Realme.

How well this new League and Covenant agrees with what they have formerly sworne in the said Oath of Supremacy, appears in the said former Sections, whereby it is manifested that the Covenanters doe sweare by this late Covenant to take away the King's Ecclesiasticall Iurisdiction, and to take away the King's Temporall Power and Iurisdiction in all the causes commenced in the Kings Temporall Courts, wherein any issue is joyned triable in the Ecclesiasticall Courts, and to extirpate Prelacy and Church-Government by Arch-Bishops, Bishops, &c. and to dishonour the Crown of England of it's Rights of Patronage of Arch-Bishops, Bishops, Deanes, &c. and of the profits of Temporalities in the time of Vacation, and of their first-fruits and Tenths, all which are annexed to the Imperiall Crown of this Realme, and that they usurpe upon the Royall Power in the raising of Forces and Armes without and against the King's consent and authority for the maintenance of this wicked Covenant.

#### SECT. VIII.

**V**E owe by our Ligeance a true and faithfull obedience unto our Sovereigne, which is due unto Him by Nature and Birth-right, and is not circumscribed within locall limits and bounds, but is universall, and bindeth the Subject as well without the Kingdome as within, although he be not sworne. Faith and Truth are members and parts of this Ligeance, which is onely due unto the King; and this Ligeance is not onely naturall but legall, and the Oath of Ligeance is prescribed by the municipall Lawes of the Realme to be taken in Sheriffes turnes and Court Leetes, and it is called Suis Royall, which must be done in person, and cannot be done by Attourney, and the forme of this Oath appears in



in *Britt. cap. 19.* who wrote in *Ann. 5. E. 1.* the effect whereof is this. You shall swear that from this day forward you shall be true and faithfull to our Sovereigne Lord King *Charles*, and His Heires, and truth and faith shall beare of life and member and terrene honour, and you shall neither know nor heare of any ill or damage intended unto him, that you shall not defend. So help you Almighty God.

*Britt. cap. 19.*  
11. H. 4. 19.  
Ligeance is due though a man be not sworn.  
30. H. 7. 3. 7. rep. 4.  
5. 6. 7. 11. in Calvin's case.

This Ligeance is not due to the politique capacity onely, that is to his Crowne and Kingdome, but to the naturall person of the King. The Divellish and damnable opinion of the two *Spencers*, Father and Sonne, that Ligeance was more by reason of the Kings Crowne (that is of his politique capacity) then by reason of the person of the King, and that if the King doe not demean himselfe by reason in the right of his Crowne, his Leiges are bound by Oath to remove the King, was condemned by two Parliaments, one in the raigne of *E. 3.* called *Exilium Hugonis le Spencer*, and the other in *Anno 1. E. 3. cap. 1.* He that is a Traytor to the person of the King, is a Traytor to the King, and those that pretend to Levy Warre for the King and Parliament, ought not to Levy War against the King's Person, he is *solo Deo Iunior* and hath no Competere in his Kingdome.

3. *Iac. cap. 4.* For the better tryall how his Majesties Subjects stand affected in paynt of their Loyalty and due obedience, the forme of the Oath of the Allegiance was enacted by Parliament in the third year of King *James*, *cap. 4.* The tenour whereof is here expressed.

*I. A. R.* Doe truly and sincerely acknowledge, professe, resistie and declare in my conscience before God and the world, That our Sovereigne Lord King *Charles*, is lawfull and rightfull King of this Realme, and of all other His Majesties Dominions and Countreys; And that the Pope neither of himselfe, nor by any authority of the Church or See of Rome, or by any other meanes with any other, hath any power or Authority to depose the King, or to dispose any of his Majesties Kingdomes or Dominions, or to authorize any Forraigne Prince to invade or annoy him or his Countreys, or to discharge any of His Subjects of their Allegiance and Obedience to his Majesty, or to give licence or leave to any of them to beare Armes, raise Tu-

mults, or to offer any violence or hurt to His Majesty's Royal Person, State or Government, or to any of His Majesty's Subjects within His Majesty's Dominions.

Also I do swear from my heart that, notwithstanding any Declaration or Sentence of Excommunication or deprivation made or granted, or to be made or granted by the Pope or his Successors, or by any authority derived or pretended to be derived from him or his See, against the said King, His Heires or Successors, or any absolution of the said Subjects from their Obedience, I will beare faith and true Allegiance to his Majesty, his Heires and Successors, and him and them will defend to the utmost of my power, against all conspiracies and attempts whatsoever, which shall be made against his or their Persons, their Crowne and Dignity by reason or colour of any such Sentence or Declaration, or otherwise, and will doe my best endeavour to disclose and make known unto his Majesty, his Heires and Successors, all Treasons and Traiterous conspiracies which I shall know or hear of to be against him or any of them.

And I doe further swear that I doe from my heart abhorre, detest and abjure, as impious and hereticall, this Damnable Doctrine & position, That Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their Subjects or any other whatsoever.

And I do beleive, and in conscience am resolved, that neither the Pope nor any other whatsoever, hath power to absolve me of this Oath or any part thereof, which I acknowledge by good and full authority to be lawfully administred unto me, and do renounce all pardons and dispensations to the contrary. And all these things I do plainly and sincerely acknowledge and swear according to these expresse words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation or mental reservation, or secret reservation whatsoever, and I doe make this recognition and acknowledgement, hearty, willingly, and truly, upon the true faith of a Christian. So help me God.

7. Jac. Cap. 6. It is declared by Parliament that the said Oath of Allegiance, ordained 30. Jac. tendeth onely to the declaration of such duty as every true and well affected Subject, not onely by bound of Allegiance, but also by the commandment of Almighty God,

God, ought to beare to the Kings Majesty, His Heires and Successors. And by the said Statute it is enacted at the humble supplication of the Lords and Commons in Parliament, that all and every Person and Persons, as well Ecclesiasticall as Temporall, of what Estate, Dignity, Preheminence, Sexe, Quality, or Degree, he, shee, or they be, or shall be, above the age of Eightene yeares being in that act mentioned and intended, shall take the said Oath in such manner as in the said Act is expressed; and all the Members of the Commons House of Parliament, have in the beginning of this Parliament taken the said Oath of Allegiance wherein every of them have sworne.

1. That I doe truly and sincerely acknowledge, professe, testifie, and declare in my conscience before God and the World, That our Sovereigne Lord King CHARLES is lawfull and rightfull King of this Realme, and of all other His Majesties Dominions and Countreys.

2. That I will beare Faith and true Allegiance to His Majesty, His Heires and Successors, and them will defend to the uttermost of my Power against all conspiracies and attempts whatsoever, which shall be made against him or their Persons, their Crowne and Dignity, &c.

3. That I will doe my endeavour to disclose and make knowne to His Majesty, His Heires and Successors, all Treasons and traitterous conspiracies, which I shall know or heare to be against him or any of them.

4. That I doe beleeve, and in conscience am resolved, that neither the Pope nor any Person whatsoever hath Power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully ministred unto me, and doe renounce all Pardons and dispensations to the contrary.

5. That all these things I doe plainly and sincerely acknowledge and Swear according to these expresse words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, or mentall evasion, or secret reservation whatsoever; And I doe make this recognition and acknowledgement heartily, willingly and truly, upon the true Faith of a Christian. So helpe me God.

These Covenanters doe not, according to their naturall and legall lligance, promise or performe true and lawfull obedience unto the King their Sovereigne, nor beare truth and faith of life and member and terrene honour unto him, nor hinder any ill or damage, which they know or heare to be intended against his Person, but contrary to their said naturall and legall lligance, they have usurped Royall Power by entring into a Solemne League and Covenant with another Nation, of their owne heads, without His Majesties Consent. They deny unto the King terrene honour when they take upon them without His Authority to reforme the Doctrine, worship, Discipline and Government of the Church of *England* and *Ireland*; They doe not beare truth and faith of life and member unto his Person, nor hinder any ill or damage which they know or heare to be intended against Him, when they vow to maintaine that wicked League and Covenant against all opposition, and to promote the same, according to their Power, against all Lets and Impediments whatsoever, and in execution thereof have taken up Armes, drawne in a Forreigne power, and have endeavoured to kill the Kings Person.

Whereas they have sworne in the said Oath of Allegiance ordained, 30. *Jac.* That they acknowledge our Sovereigne Lord King *Charles* to be lawfull and rightfull King of this Realme, and that they will beare Faith and true Allegiance to His Majesty, His Heires and Successors, and him and them will defend to the utmost of their Powers against all conspiracies and attempts whatsoever, which shall be made against His or their Persons their Crowne and Dignity; And that they will disclose unto Him all Treasons and trayterous Conspiracies, which they shall know or heare of. These Covenanters have by this their pretended Solemne League and Covenant conspired to take away the Kings Ecclesiasticall and Temporall Power, as hath been before shewne in the 1, 2, 3, 4, 5, 6, and 7<sup>th</sup> Sections. They have thereby abandoned their Faith, Truth, and Allegiance, which they owe and have sworne unto the King; They have assaulted His Person in severall Battails, and have practised Trayterous Conspiracies against Him in pursuit of this Covenant.

And whereas, they have Sworne in the said Oath of Allegiance, that

that they beleeve and are resolved that no Person hath power to absolve them of that Oath, and that they renounce all Pardons and dispensations to the contrary, and that they plainly and sincerely acknowledge and Swear, according to the plain and common sense of and understanding of the same words, without any equivocation, or mentall evasion, or secret reservation whatsoever. These Covenanters, or rather Conspirators, in this new contrived Covenant doe swear contrary things unto that which they have formerly sworn in the said Oathes of Supremacy and Allegiance, as hath been before manifested, and they thinke to helpe themselves by secret or expresse reservations or salvoes of their former Oathes, wherein they are deceived.

1. In regard their former Oathes contained matters lawfull, and agreeable to the Lawes of God and man; and so did bind them to the observation thereof, and the before mentioned Statute of 7 Jac. cap. 6. saith, that the Oath of Allegiance contained onely, such duty as every true and well affected Subject, not onely by bond of Allegiance, but also by the Commandement of Almighty God, ought to beare to the Kings Majesty His Heires and Successors. And it is part of the Oath that the taker of it swears according to the plain and common sense of the words without any equivocation, mentall evasion, or secret reservation, and consequently the former Oathes being obligatory, the late Oath and Covenant which crosseth them ought not to be taken in any manner whatsoever.
2. This new League and Covenant is (as the Contrivers of it intended) Nationall, and is contrived by Subjects without the Kings Authority, and the Contrivers have neither power to ordaine it against the stablished Lawes, nor Authority to minister or impose it.
3. The matters of the said League or Covenant which they swear to execute are unlawfull and illegall, viz. the Exirpation of Arch-Bishops, and Bishops, and their Chancellours, Commissaries, &c. and so consequently the Kings Ecclesiasticall Jurisdiction, the weakening of the Kings Temporall Power and Jurisdiction, the undertaking of a Reformation of Church Government, and the Liturgy of the Church, without the Kings Consent,



consent, the notorious injuries done to the Kings Rights of Patronage, First-Fruits, and Tenths, and the disinhericance of the Church and Church-men of their lawfull Inheritances, Rights, Liberties and Franchises; their wicked resolution to assist and defend all those that enter into this League and Covenant, and the maintaining and pursuing thereof with all their power against all opposition lets and impediments whatsoeuer, without any exception of the Kings Royall Power or Person.

4. Their Expresse, or secret *Saluo*, or reservation, *viz.* (so farre forth as it doth not contrary the Oathes of Supremacy and Allegiance or the like) are void in Law, for where the reservation, exception, or *Saluo* cannot stand with the premises, the premises stand in force, and by construction of Law, the reservation, exception, and *Saluo* is adjudged void, for here they take an Oath which contains diuers matters against the former Oathes of Supremacy and Allegiance, which is repugnant in it selfe and cannot stand together, and then the consequence is, that here in they commit willfull perjury, and mocke God Almighty, and take his holy Name in vain, and draw Gods vengeance upon themselves; for in every Oath, he that sweares, calls upon God to be a Witnesse of Truth, and a Revenger of Falshood, and mens tongues and hearts should go together.

S E C T. IX.

**V**Hereas in the seventeenth Yeare of His Majesties Reigne, after a long Treaty, an Act was made in this Parliament for the confirmation of the said Treaty of Pacification between the two Kingdomes of England and Scotland, and among other things it was in these words declared, *viz.* That the great blessing of a constant and friendly Conjunction of the two Kingdomes now united by Allegiance and loyall subjection to one Sovereigne and Head, may be firmly observed and continued to all posterity. It is agreed that an Act be past in the Parliament of England, that the Kingdome of England or Ireland shall not denounce or make Warre against the Kingdome of Scotland without consent of the Parliament of England, as on the other party it shall be enacted there that the Kingdome of Scotland shall not denounce or make

Warre

9. Eliz. Dier.  
fol. 64.

14. Eliz. Dier.  
fol. 313.

14. H. 6. fol. 4.  
B. r. referu. 46.



Warre against the Kingdome of *England* and *Ireland* without the consent of the Parliament of *Scotland*.

No Shippes either of the Kings or Freebooters or others shall stop the Trade of the Kingdome, or hinder or harne their neighbour Kingdome, without consent of parliament, declaring a breach of Peace; and if any Armies shall be levied, or Trade stopped, and neighbours harmed or wronged, the Estates of the Countrey by which it is done, to be obliged to pursue, take, and punish the offenders with all rigour; and if any of the Kingdomes shall receive, or harbour them, they ought to be punished as breakers of the Peace; and if after complaint and remonstrance to the Commissioners after mentioned, and to the Parliament, redresse and reparation be not made, then in that case the same to be counted a breach of the Peace by the whole Kingdome; and in case any of the Subjects of any of the Kingdomes shall arise in Armes, or make Warre against any other of the Kingdomes and subjects thereof, without consent of the Parliament of that Kingdome whereof they are Subjects, or upon which they do depend, that they shall be held, reputed and demeaned as Traitors to the Estates whereof they are Subjects; and that both the Kingdomes in that case be bound to concur in the repressing of those that shall happen to arise in Armes or make Warre without consent of their own Parliament, and that the way of conveying Forces for suppressing such as levy Warre, be as in case of Invasion: Provided, that this be not extended to any particular Quarrels upon the Borders; and that it be enacted, that in such case it shal be lawfull for any of the Subjects to convene to suppress such evil affected persons, and that each Kingdome shall be bound by Publique Faith punctually to performe this Article, and if either Parliament shall denounce Warre, they shall give three moneths warning: and this Article amongst others is ratified and confirmed by severall Acts of Parliament in the Kingdome of *England* and *Scotland*.

1. These Covenanters of both Kingdoms, who acknowledge it a great blessing to be united by Allegiance and loyall subjection to the King as our Sovereigne Head, have now entered into this destructive League and Covenant, contrary to their Duty and Allegiance, as hath been shewn before in the eighth precedent Section.

D 3

2. Whereas

2. Whereas by the said Act of Pacification the Kingdome of Scotland should not denounce nor make Warre against the Kingdome of England, without the consent of the Parliament of Scotland; The Scots without any Warrant from the Parliament of Scotland, (whereof the King is the Head) and when no Parliament was convened, and against the King's Command have invaded the King and Kingdome of England with a great Army, which is declared by the said Covenanters and Conspirateurs of both Kingdomes to be done in pursuite of the said late League and Covenant.
3. It is further declared by the said Act of Pacification, that in case any of the Subjects of any of the Kingdomes shall rise in Armes, or make Warre against another of the Kingdomes and Subjects thereof, without consent of the Parliament of that Kingdome, whereof they are Subjects, or upon which they do depend, that they shall be held reputed and demeaned as Traitors to the Estates, whereof they are Subjects, and that both Kingdomes in that case be bound to concur in the suppressing of those that shall happen to arise in Armes, or make Warre without consent of their own Parliament; and that the way of conveying Forces for suppressing such as levy Warre, be as in case of Invasion. By this clause the Subjects of Scotland, who have risen in Armes, and made Warre against the King and his loyall Subjects of England, are declared Traitors, and by the said Act of Pacification both Kingdomes in this case of Invasion are bound to concur in the suppressing of them, and not to joyne with them, or to give them any assistance.

#### SECT. X.

**D**Vring this Parliament a solemn Proteſtation was taken by the Lords and Commons of Parliament; and it was Ordered in May, 1641. that the said Proteſtation ſhould be printed and published through the Kingdome; and in July, 1641. it was conceived ſe that the said Proteſtation ſhould be taken by every perſon, that is well affected in Religion, and to the good of the Common-wealth, the tenour of which Proteſtation hereafter enſueth.

I A. B. do in the presence of Almighty God, promise, swear and protest to maintain and defend, as farre as lawfully I may, with my life, power, and estate, the true Reformed Protestant Religion, expressed in the Doctrine of the Church of England, against all Popery, and Popish Innovations within this Realme, contrary to the same Doctrine; and according to the duty of my Allegiance, his Majesties Royall Person, Honour, and Estate, as also the power and priviledges of Parliament; the lawfull Rights and Liberties of the Subject, and every person that maketh this Protestation, in whatsoever he shall do in the lawfull pursuance of the same. And to my power, and as farre as lawfully I may, I will oppose, and by all good wayes and meanes endeavour to bring to condigne punishment all such as shall either by force, practice, counsell, ploss, conspiracies, or otherwise, do any thing to the contrary of any thing in this present protestation contained. And further that I shall in all iust and honourable wayes endeavour to preserve the union and peace between the three Kingdomes of England, Scotland, and Ireland; and neither for hope, feare, or other respect shall relinquish this present Vow and Protestation.

This late League or Covenant doth not well agree with the said former Protestation.

1. In the Protestation they promise and vow to maintain and defend the True Reformed Protestant Religion, expressed in the Doctrine in the Church of England, against all Popery, and Popish Innovations within this Realme contrary to the same; but in this New Covenant, in the first Article, They sweare to endeavour the Reformation of Religion in the Kingdomes of England and Ireland in Doctrine, Worship, &c. So as now they are resolved to reforme that Doctrine which before they had sworn to maintain and defend, which is preposterous: for first, they should have reformed it, and then after such Reformation maintain and defend it.
2. In the Protestation they vow to maintain and defend, according to the duty of their Allegiance, his Majesties Royall Person, Honour, and Estate; and how farre that extends appears in the Eighth Section; but in the third Article of this New Covenant they limit their Duty and Allegiance to be in a qualified way, viz. to preserve and defend the King's Majesties Person

Person and Authority in the preservation and defence of  
the true Religion and Liberties of the Kingdom.

# S E C T. XI.

**A**LL the Clergy who have taken sacred Orders, have sworn  
Canonical obedience unto Arch-Bishops and Bishops their  
spirituall Governours, and have subscribed unto the present esta-  
blished Government; and yet this new Covenant for extirpation  
of Prelacy, that is, Church-Government by Arch-Bishops, Bi-  
shops, &c. is required of all Ministers of the Gospell, and they are  
pressed to perjure themselves.

These things being duely weighed and considered, That the  
King of *England* by the Common Lawes and Statutes of this King-  
dom is the only supream Governour of this Realm, and his Eccle-  
siasticall and Temporall Iurisdiction, which cannot be exercised but  
by Arch-Bishops and others having ordinary Iurisdiction, their  
Chancellours and Substitutes, that there will be a failer of justice if  
there were an extirpation of Prelacy, nor onely in Ecclesiasticall  
Courts and causes, but in temporall Courts, which in many cases  
cannot proceed without the aid of the Arch-Bishops, and Bishops,  
and their Ecclesiasticall Courts. That prelacy hath had continuance  
in this Land, from the first receiving of the Christian faith, That the  
Rights, Liberties and Franchises of the Prelacy and Clergy of *En-  
gland*, have been ratified and confirmed by severall Acts of Parlia-  
ment in severall successions of Ages. That to the King it belongeth,  
as a part of his Royall Seignoiry, to prohibit all force of Armour  
and all other force against the Peace, and to punish the offendours;  
and that hereunto all men are bound to ayde the King as their Sov-  
raigne. That the book of Articles of Religion which concerne the  
confession of the true Christian faith, and the Doctrine of the Sa-  
craments; the book of Common Prayer, with the order of Service  
are established by severall Acts of Parliament. That the Oath of  
Supremacy injoyneth the Kings subjects to assist and defend all  
Iurisdctions, Priviledges, Powers and authorities granted or be-  
longing to the King, or united and annexed to the imperiall Crown  
of this Realme. That by naturall and legall Ligeance, and by the  
Oath of Allegiance, every subject ought to beare faith and true  
Allegiance

Allegiance to the King, as well in his naturall, as politique capacity, and ought to the utmost of his power defend him, against all conspiracies and attempts whatsoever, which shall be made against his Person Crowne and Dignity. That by the Act of pacification the Subjects of *Scotland* should not make Warre against the Kingdome of *England*, without the consent of the Parliament of *Scotland*. That the Lords and Commons in this Parliament have solemnely protested to maintaine the true Protestant Religion expressed in the doctrine of the Church of *England*, and to defend his Majesties Royall Person Honour and Estate. That all the Clergy of *England* in in sacred Orders have sworne canonically obedience unto Arch-Bishops. That the Lords Spirituall and Temporall and Commons in Parliament, 1. *Jan. cap. 1.* acknowledged that immediately upon the decease of the late Queen *Elizabeth*, the Imperiall Crowne of the Realme of *England*, and of all the Kingdomes, Dominions, and Rights belonging to the same, did by inherrent birth-right, lawfull and undoubted Succession descend and come unto the said King *James*, as being lineally, justly and lawfully next and sole heire of the blood Royall of this Realme, and thereunto they did most humbly and faithfully submit and oblige themselves, their heires and posterities for ever, untill the last drops of their bloods be spent, and they thereunto desired his Majesties most Royall assent, acknowledging that without it, that Act could not be compleat and perfect.

These things being againe and againe revolved and pondered, it is to be wondered, that Subjects of this Kingdom being an absolute Monarchy, Christians, Subjects, and Protestants of the reformed Church, men that pretend unto greater piety and purity then their fellowes should be contrivers and maintainers of so unjust and an illegall Covenant, unlawfully ordained by Subjects without the Kings authority, the contrivers being bound by the Lawes of God and man, to submit themselves to the established Lawes and Government, and not to subvert them; That they being bound by their Allegiance and Oathes to assist and defend all Iurisdiccions, Powers and Authorities granted, or belonging to the King, his Heires & successors, or united and annexed to the Imperiall Crowne of this Realme, and to beare faith and true Allegiance unto him, and



to defend him to the utmost of their powers against all conspiracies and attempts whatsoever, which shall be made against his Person, Crowne, and Dignity, should now swear totally to take his power and Jurisdiction Ecclesiasticall, to diminish his Temporall power in the severall particulars before mentioned, and thereby to deprive all the Kings Subjects of the publique Iustice of the Kingdom. That they should vow to extirpate Prelacy and Church-Government by Arch-Bishops &c. and so totally at once to abolish the established Hierarchy of the Church, which hath been continued in so many ages, and settled and ratified by so many Acts of Parliament, and thereby take away not onely the Kings Ecclesiasticall, but Temporall Rights of Patronage, his first frutes and Tithes &c. and injure the Church of God, and disinherit it of its Rights, possessions, Liberties, Exemptions and Franchises. That they will swear all the daies of their lives zealously and constantly to continue here, in against all opposition, and promote the same according to their power, against all lets and impediments whatsoever, and to attaine their ends, to make use of their power, to take up Armes against the King, and to bring in a Forraigne power to invade the King and Kingdome, contrary to the late Act of pacification between the two Kingdomes of *England* and *Scotland*. That they will now desert what they had formerly protested this Parliament, *viz.* to maintaine and defend the true Protestant Religion expressed in the Doctrine of the Church of *England*, and according to their Duty and Allegiance, to maintaine and defend His Majesties Royall Person, Honour and Estate; That they will impose this Oath and Covenant upon the Kings Subjects, who have formerly taken the Oathes of Supremacy & Allegiance, which are inconsistent with it; & upon the Clergy in sacred Orders, who besides the Oathes of Supremacy and Allegiance, have sworn Canonically obedience unto Arch-Bishops and Bishops, their spirituall Governours, and so tyrannize over mens consciences and make them commit perjury; What is all this but the framing and establishing iniquity by a Law, banding themselves together against their Prince, and his loyall and faithfull Subjects, a wicked confederacy amongst themselves to strengthen their Party to defend that wicked Cause which they have undertaken against their lawfull King, and against the Lawes  
and

and Statutes of the Realme? What be those specious and pious pretences in the Preamble and Conclusion of the said League and Covenant, but Lies in Hypocrisie, a simulated sanctity, under the pretence of Religion, to deceive the more, and the using of false Colours to daze the Eyes; and blind the Judgements of the Kings good and faithfull Subjects. They pretend the glory of God, when the matter of the Vow dishonours him, and the King who is Gods Vicegerent upon Earth; and their actions in the pursuit of this Covenant witness that they have no feare of God before their Eyes. They alleadge the advancement of the Kingdome of our Lord and Saviour Iesus Christ, when they vow to abolish the Hierarchy of the Church, prosecute the Ministers of the Gospell by Imprisonment, unjust accusations, silencing them and sequestring their Livings, without calling them to answer or hearing them, and when they are the Cause of the Effusion of so much Christian Blood, and the destroyers of the Image of God in so many Faithfull and Innocent members of Iesus Christ. They suggest the Honour and Happinesse of the King, when their Covenant destroyes His Regall Power and Rights; and when they scandalize the Kings Person and Government by their publique Acts, scurrilous Pamphlets, and countenancing seditious Sermons, They pretend the true and publique Liberty, Safety and Peace of the Kingdomes, when the matter of the Covenant, and the effects of it have destroyed them all. They have filled their Dungeons and Prisons Ordinary, and Extraordinary, with the Kings good and faithfull Subjects, for no other Cause then for performing their Duty and Allegiance unto His Majesty. They have by their League engaged the Kingdomes in a most desperate and bloody Warre, and have Rent in pieces the Church and Civill State. But admitting these Covenanters did ayme at good ends, yet no intention of any end can warrant the choice of sinfull meanes to compasse it, no pretension of a good end, of a good meaning, of a good event, of any good whatsoever either can sufficiently warrant any sinfull action to be done, or justify it being done, and their condemnation or damnation is just who doe evill that good may come thereof. And though the Lords and Members of the House of Commons remaining at *Westminster*, in a time of advantage passed a Bill for the taking away of Arch-

...that Bill was of no force to make a Law,  
 ...Laws or Statutes, neither can it be any full  
 ...to enter into any League and Covenant for the  
 ...and Church Government by Arch-Bishops  
 ...and the King never gave His Royal  
 ...the said Bill. And the Kings of England have ever had  
 ...of a Negative Voice unto Bills which passed  
 ...of Parliament, and this was acknowledged by the  
 ...of Parliament in the second year of King Henry the  
 ...of the Kings to grant or deny such of their  
 ...himself, and in likewise it was acknowl-  
 ...by both the Houses of Parliament in the first year  
 ...of the said Bill, which was so derogatory to His Regal  
 ...and Dignity, and so to the Church and Right  
 ...to the Kingdoms,  
 ...

...the King, which was so derogatory to His Regal  
 ...and Dignity, and so to the Church and Right  
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 ...

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**F I N I S.**

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